

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Upon entry of this Amendment, claims 49-61 are pending in the application. Claims 22-48 have been cancelled, and claims 49-61 have been added. Support for the new claims can be found, for example, on page 5, lines 20-23, page 9, line 36 – page 10, line 36, and Figs 1-6.

Claims 1, 25, 27, 28, 29, 30, 36, and 39 are rejected under 35 U.S.C. §112, second paragraph. The claims have been amended to overcome this rejection. Withdrawal of this rejection is respectfully requested.

Claims 22-34, 39, 40, 42-44, and 46-48 are rejected under 35 U.S.C. §102(b) by Woelki et al. These claims have been cancelled and replaced with new claims 49-61.

With respect to new independent claim 49, Woelki does not disclose a laser unit that includes, *inter alia*, a control unit having a memory that receives and stores a pattern to be engraved on the surface and a processor programmed to operate the laser unit to produce the pattern on the surface of the strip, wherein the control unit is set to control the laser unit to provide laser engraved markings at exact locations on the surface when the strip intermittently is in an immobilized condition before being fed into a processing apparatus structured to mechanically shape the thus-marked strip into marked articles to be included in cans, as recited in claim 49. Woelki discloses a marking apparatus that provides markings on silicon wafers that are moved from a cassette to a precisely defined writing position. After the writing on the wafer has been completed, the wafer is moved to a cassette. The operation continues with the positioning and marking of another wafer. (See col. 2, line 61–col. 3, line 14.) Woelki does not disclose the control unit as recited in claim 49. Moreover, Woelki does not disclose a laser unit including a beam generator configured to generate a beam of laser radiation configured to provide markings in a metal. The laser in Woelki is configured to provide markings on a silicon wafer.

Claims 50-59 should be allowable based on their dependence on claim 49 and for their recitation of additional patentable subject matter.

With respect to new independent claim 60, Woelki does not disclose a laser unit that includes, *inter alia*, a control unit having a memory that receives and stores a pattern to be engraved on the surface and a processor programmed to operate the laser unit to produce the

pattern on the surface of the strip, wherein the processor is programmed to control the laser unit to provide a large number of visible pits in the surface to produce the pattern within a dwell time when the strip intermittently is in an immobilized condition, the dwell time being less than about 60 ms, as recited in claim 60. To begin with, Woelki discloses a marking apparatus that forms dimples on the surface of the wafer. As recited in col. 3, lines 24-27, such dimples are not individually easily seen, but by positioning such dimples in cluster patterns they produce easily readable on a silicon wafer. Thus, Woelki does not disclose that a processor is programmed to control the laser unit to provide a large number of visible pits in the surface, as recited in claim 60. Moreover, Woelki nowhere discloses a processor that is programmed to control the laser unit to produce the pattern within a dwell time when the strip intermittently is in an immobilized condition, the dwell time being less than about 60 ms, as recited in claim 60. Further, Woelki does not disclose a laser unit including a beam generator configured to generate a beam of laser radiation configured to provide markings in a metal. The laser in Woelki is configured to provide markings on a silicon wafer.

With respect to new independent claim 61, Woelki does not disclose a method for providing markings on a surface of a continuous strip of metal. Woelki also does not teach or suggest providing a laser unit structured to provide a large number of visible pits in the surface of the strip to produce a pattern to be engraved on the surface; determining an optimum engraving path in which the pits should be produced in the surface to form the pattern; and controlling the laser unit to provide the large number of visible pits in the surface to produce the pattern within a dwell time when the strip intermittently is in an immobilized condition.

Claims 22 and 41 are rejected under 35 U.S.C. §103(a) over Miller et al. in view of Ihara. These claims have been cancelled. New independent claims 49 and 60 include subject matter of claims 22 and 27 and new independent claim 61 includes subject matter of claim 22 and 28. As a result, this rejection should be moot.

Claims 35-37 are rejected under 35 U.S.C. §103(a) over Woelki in view of Dulaney et al. These claims have been cancelled so the rejection is moot.

Claim 38 is rejected under 35 U.S.C. §103(a) over Woelki in view of Dulaney and further in view of Kunz et al. This claim has been cancelled so the rejection is moot.

Also, one reference was lined out in the Information Disclosure Statement (IDS) dated December 26, 2001 and one reference was lined out in the IDS dated January 24, 2001.

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However, an English translation was filed March 21, 2002 for the lined out reference in the December 26, 2001 IDS and an English abstract was filed along with the lined out reference on January 24, 2001 in the January 24, 2001 IDS. Moreover, the lined out reference in the January 24, 2001 IDS was initialed in the October 12, 2001 IDS. As a result, it is respectfully requested that the Examiner consider these references and return a copy of the December 26, 2001 PTO-1449 and January 24, 2001 PTO-1449 with the Examiner's initials in the left column per MPEP 609.

All rejections and objections have been addressed. It is respectfully submitted that the present application is now in condition for allowance, and a notice to that effect is earnestly solicited.

Should there be any questions or concerns regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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